

REMARKS

Claims 1-3, 7-10, 14-27, and 49-59 are currently pending in the present application, with claims 4-6, 11-3 and 28-48 standing withdrawn pursuant to election/restriction requirement. Claims 9, 18-27 and 49-58 stand objected to as depending from rejected base and intervening claims, but allowable if amended into independent form and addressing any remaining objections.

The Applicants wish to express their appreciation for the Examiner's indication that claims 9, 18-27 and 49-58 contain patentable subject matter. The Applicants have addressed amendment of these claims by amendment of independent claim 1. Specifically, the Applicants have amended independent claims 1 and 59 to incorporate the limitations of dependent claim 2 (canceled without prejudice) and objected to but allowable claim 49, thus placing claims 1, 3, 7-10, 14-27 and 49-59 into allowable condition.

As to the remaining contained in the November 23, 2004 Office Action, the Applicants respectfully response as follows.

Information Disclosure Statement: The November 23, 2004 Office Action states that the Information Disclosure Statement filed on June 23, 2003 has not been considered because it does not include a concise explanation of the relevance of each patent not in the English language.

The Applicants respectfully request clarification of this statement for the record, as it appears from the Examiner-initialed Form 1449 that all of the cited references were in fact considered by the Examiner, except for the DE 29918232 U1 document (the only document for which an English Abstract was not

available).

As a separate matter, in order to obtain consideration of the DE 29918232 U1 document, the Applicants are submitting herewith an English translation of the DE 29918232 U1 abstract for consideration.

Drawing Objections: Illustration of the following claimed features or cancellation of the respective claim(s) is required:

- Auxiliary power of claim 8: The Applicants note that the term “auxiliary power,” which is not used in this form in the written description, was intended to refer to powered actuators, such as “pneumatic, electric, piezo-electric or hydraulic adjusting elements” (¶ [0013]) which provide motive power for the claimed at least one adjusting element. For clarity, the Applicants have amended claim 8 to recite that “the at least one adjusting element is moved by ~~an a powered~~ actuator ~~with auxiliary power~~.” Such actuators are illustrated in several of the original figures, *e.g.*, Fig. 9 (pneumatic cylinder 58). The Applicants submit no further illustration of this feature is necessary.
- Taillight of claim 18: The recited taillight is illustrated in Fig. 10, in the middle of the rear face of spoiler 52. While this element is unlabeled, one of ordinary skill in the art would readily recognize this element as a taillight, as such rear-facing lights (so-called “third” brake lights) have been placed in this location on spoilers on numerous vehicles, particularly convertibles which do not have fixed rear windows for mounting of the third brake light. The Applicants submit no further illustration of this feature is necessary.
- Magnetic coating of claim 19: The magnetic coating layer is illustrated in Fig. 38 (element 180, described at ¶ [0130]). The Applicants submit no further illustration of this feature is necessary.
- Low friction coating of claim 27: As described in ¶ [0110], rod 64 illustrated in Fig. 10 is coated with a low-friction coating, specifically TEFLON in this embodiment. The Applicants respectfully submit that the coated rod 64 is already adequately illustrated, *i.e.*, there is no separate labeling of the TEFLON coating on the rod because there is no visual demarcation of the coating on the rod to be made. In view of the description in the specification, the existing illustration of element 64, and the broad knowledge in the art as to the application of TEFLON to coat objects, the Applicants respectfully submit that there is no reason to separately (and redundantly) illustrate a coating layer on the rod, and therefore no further illustration of this feature is necessary.

- Coating of claims 49 and 53-57: The coating claimed in claims 49 and 53-57 is illustrated in Fig. 38, and each of the recited features is described at ¶ [0130]. The Applicants submit no further illustration of this feature is necessary.

- Actuators and sensors of claim 52: As described in ¶ [0050], it is known in the art to weave additional fibers into a textile which can be used for a variety of purposes, such as light-sensing fiber-optic sensors and local seat heat-generating actuators, for example as set forth in German patent applications DE 101 10 329.8 and DE 100 29 237.2. In view of existing illustration of woven fiber textiles in Figs. 38, 39, and the knowledge in the art as to incorporate additional fibers into a textile, the Applicants submit no further illustration of this feature is necessary.

Claim Objections: Claims 51 and 54 stand objected to for use of abbreviations. The Applicants have amended these claims to replace the abbreviations with their correspondingly full terms. Withdrawal of the claim objections is respectfully requested.

Claim Rejections: With the amendment of independent claims 1 and 59 to incorporate the limitations of objected to but allowable claim 49, the Applicants have rendered the pending rejections moot. Accordingly, withdrawal of the pending § 102(e) rejection is respectfully requested.

CONCLUSION

The Applicants respectfully submit that amended claims 1, 3, 7-10, 14-27 and 49-59 are in condition for allowance. Early and favorable consideration, and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.


If necessary to effect a timely response, this paper should be considered as

a petition for an Extension of Time sufficient to effect a timely response, and
please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket #095309/48876US).

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Respectfully submitted,



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